



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

CERTIFIED MAIL 7011 1150 0000 2639 5698
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:
WC-15J

Mr. John E. Hutson
Registered Agent
H&S Excavating and Septic Inc.
2570 Sportsman Club Road
Bourbonnais, Illinois 60914

FEB 12 2015

Re: Request for Information Pursuant to section 308(a) of the Clean Water Act,
33 U.S.C. 1318(a)

Dear Mr. Hutson:

The U.S. Environmental Protection Agency is issuing this Request for Information to H&S Excavating and Septic Inc. pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a). The request seeks information from you regarding the Company's compliance with Federal regulations governing the land application of domestic septage found at 40 C.F.R. Part 503.

Section 308 of the Clean Water Act (CWA) authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA. You must provide the EPA with this information according to the instructions in the enclosure. The enclosure specifies the information that you must submit. The agency requires you to provide the information requested in the enclosure **within thirty (30) calendar days of receipt of this letter**. Please read the instructions in the enclosure carefully before preparing your responses.

Please be advised that failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the agency reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, including penalties, for violations of the "Act".

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. You may assert a claim of business confidentiality for any portion of the submitted information under the provisions of 33 U.S.C. § 1318 and 18 U.S.C. § 1905. The agency will consider and process such a request pursuant to such statutes and the agency regulations at 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information received, the agency may make the information available to the public without further notice to you. If you assert a confidentiality claim for any of the information you provide to the agency, you must prove that claim. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

For your information, a link is provided below to Domestic Septage Regulatory Guidance, an agency publication, which might be of assistance to you. This document can be found at:

http://water.epa.gov/polwaste/wastewater/treatment/biosolids/upload/2002_06_28_mtb_biosolids_septage_guide.pdf

This Request for Information is being sent through the agency's Biosolids Center located in the agency's Region 7 office in Lenexa, Kansas. As the enclosed instructions indicate, the response to this Request for Information is to be sent to the EPA, Region 7. We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Tony Petruska in the agency's Biosolids Center at (913) 551-7637 or by e-mail to: petruska.anthony@epa.gov.

Sincerely,



Dean Maraldo

Branch Chief

Water Enforcement and Compliance Assurance Branch

Enclosure

cc: Diane Huffman, EPA Region 7
Dean Maraldo, EPA Region 5

ENCLOSURE

INFORMATION REQUEST AND INSTRUCTIONS

The following information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.
4. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
5. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.
6. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within fourteen (14) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within fourteen (14) calendar days of when you find the information is false or misrepresents the truth.
7. Confidential Business Information. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), and 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you. See Attachment B for additional instructions on supplying confidential information.
8. Accurate and Truthful Information Required. Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with

the requested information does not relieve you of any responsibility under the CWA, including but not limited to seeking, maintaining, or complying with an applicable NPDES permit.

9. You must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, which include the possibility of fine and imprisonment for knowing violations.

10. Submission of Response to Information Request. All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Tony Petruska
Environmental Protection Specialist
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.**

II. Definitions

All terms used in this Information Request that are not defined below shall be defined as they are defined at Section 502 of the CWA, 33 U.S.C. § 1362, and at 40 C.F.R. §§ 503.9, 503.11, 503.21, 503.31, 503.41 and 122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Information Request:

1. "Record" is defined as any recording of information in tangible form. It includes, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.
2. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
3. "Biosolids" is defined as sewage sludge generated during the treatment of domestic sewage in a treatment works.
4. "Sewage sludge" is defined at 40 C.F.R. § 503.9 and includes domestic septage.
5. "Domestic Septage" is defined at 40 C.F.R. § 503.9 and includes liquid or solid material

removed from a septic tank, cesspool, portable toilet, type III marine sanitation device, or similar treatment works that receives only domestic sewage.

III. Requested Information

Within thirty (30) days of receipt of this information request, provide the following information:

1. For each land application of domestic septage by H&S Excavating and Septic Inc. since January 1, 2014, provide the information listed below. This should include information regarding the land application of domestic septage on or near property located in the 3400 block of East 3000 North Road during June and July 2014.
 - a. the street address or legal description of the location;
 - b. the date(s) upon which the location was used for land application of domestic septage;
 - c. the number of acres upon which domestic septage was land applied;
 - d. the number of loads applied;
 - e. the quantity (by dry weight or volume) of domestic septage land applied;
 - f. a description of the method(s) used by H&S Excavating and Septic Inc. to determine compliance with the pathogen reduction requirements of 40 C.F.R. Part 503;
 - g. a description of the method(s) used by H&S Excavating and Septic Inc. to determine compliance with the vector attraction reduction requirements of 40 C.F.R. Part 503;
 - h. a description of how H&S Excavating and Septic Inc. met the site restrictions of 40 C.F.R. § 503.32(b)(5); and
 - i. the annual application rate of domestic septage as calculated by equation (1) at 40 C.F.R. § 503.13(c) for the calendar year 2014.
2. Provide all records regarding land application of domestic septage maintained by H&S Excavating and Septic Inc. since January 1, 2014 including:
 - a. specific records identifying how the pathogen requirements were met in accordance with 40 C.F.R. § 503.32(c);
 - b. specific records identifying how the vector attraction reduction requirements were met in accordance with 40 C.F.R. § 503.33(b)(9), (10) or (12); and
 - c. all written operating procedures describing the handling, treatment and pumping of domestic septage by H&S Excavating and Septic Inc. personnel.